

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DONTAIE ANDERSON,
Plaintiff,

v.

**COMMONWEALTH OF
PENNSYLVANIA, *et al.*,**
Defendants.

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CIVIL ACTION NO. 20-CV-4424

ORDER

AND NOW, this 12th day of January 2021, upon consideration of Plaintiff Dontaie Anderson's Motion to Proceed *In Forma Pauperis* (ECF No. 1), and *pro se* Amended Complaint (ECF No. 5), and for the reasons set forth in the accompanying memorandum opinion, it is **ORDERED** that:

1. Anderson's Amended Complaint is **DISMISSED WITHOUT PREJUDICE**, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) because it seeks relief in the nature of habeas corpus. The dismissal is without prejudice to Anderson filing a habeas corpus petition pursuant to 28 U.S.C. § 2254 after he has exhausted all available state court remedies.
2. The Motion for Leave to Proceed *In Forma Pauperis* is **DISMISSED AS MOOT**.
3. The Clerk of Court shall **CLOSE** this case.

BY THE COURT:

/s/ Cynthia M. Rufe

CYNTHIA M. RUFÉ, J.